

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Quinn, Liam B. et al
Serial No. 09/768,072
Filed: January 23, 2001
For: WIRELESS ANTENNA SWITCHING
SYSTEM

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§ Confirmation No.: 2497
§ Group Art Unit: 2618
§ Examiner: Pan, Yuwen
§

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Responsive to the Final Office Action dated August 4, 2006, please consider the following remarks in connection with the pre-appeal brief request for review. Review of the final rejection is requested for the following reasons:

The rejection of claims 1, 2, 4, 8-13, 15, 17 and 19-21 is not supported by a *prima facie* case of obviousness for claims 1, 2, 4, 8-13, 15, 17 and 19-21.

Claims 1, 2, 4, 8-13, 15, 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaisanen et al (US006560443B1) (Vaisanen) in view of Yamazaki et al (US00884189A) (Yamazaki) and in further view of Paredes et al (US006577500B2) (Paredes). A *prima facie* case of obviousness is missing, however, at least because there is no support for an obviousness rejection of the claimed subject matter as a whole, because Vaisanen, Yamazaki and Paredes fail to disclose each element of the claim or suggest the missing elements.

Independent claim 1 includes: "the switch interfacing with a system stack for controlling the interface to multiple types of the transceivers via an operating system; and a connector connecting an antenna system to the switch for communicating with the one or more

transceivers, whereby power related switching is controlled between the one or more transceivers and the antenna system, the antenna system being integrated into a chassis of the portable computing system and the transceivers and switch being integrated into a circuit card and coupled to a system board of the portable computer system, the circuit card being connected to a communication jack."

This combination is neither taught nor suggested by the combination of Vaisanen and Yamazaki along with Paredes.

Yamazaki teaches a PCS software being installed in a control unit to enable a single telephone terminal to use multiple telephonic services. This random combination will not work for the claimed portable computer system, i.e. combining Yamazaki and Vaisanen does not teach nor suggest the claimed portable computer system with selectable transceiver switching including a switch interfacing with a system stack for controlling the interface to multiple types of transceivers via an operating system.

Furthermore, in addition to an application block, client middle-ware block and software driver block, the claimed system stack includes a protocol stack, see the specification at p.10, line 29 to p. 11, line 11, as follows: "There are many distinct software components, or modules, in a computer system. Several software modules are needed to allow the computer to use a network. Each module provides a specific function, such as controlling the adapter hardware, or guaranteeing that data is sent and received properly between computers as if they were local. NDIS describes a common boundary between software modules which provide communication services to a computer, thereby allowing the computer to share information with other computers. Software modules of particular note for this invention that are described by NDIS are modules related to the protocol stack and the protocol manager. The protocol stack is a collection of modules which provides reliable network communications. A stack produces and consumes frames, frames control information and data, which are sent to and received from the network. The protocol manager assists the protocol stack(s) and MAC 310 to cooperate."

Paredes is cited for additionally teaching a wireless PC card and an RJ type connector. This isolated combination does not teach the claimed antenna system integrated into the

portable computer system having the transceivers and switch integrated into a circuit card coupled to a system board and connected to a communication jack.

The rejection of claims 3 and 5-7 is not supported by a *prima facie* case of obviousness for claims 3 and 5-7.

Claims 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaisanen and Yamazaki as applied to claim 1 above, and further in view of Dvorkin et al (US006249686B1) (Dvorkin). A *prima facie* case of obviousness is missing, however, at least because there is no support for an obviousness rejection of the claimed subject matter as a whole, because Vaisanen, Yamazaki and Dvorkin fail to disclose each element of the claim or suggest the missing elements.

The rejection of claims 6 and 7 is not understood because they are canceled.

Claims 3 and 5 depend from claim 1 and are submitted to be allowable for at least the reasons set forth above with respect to independent claim 1.

Other reasons for the patentability of claims 1-5, 8-13, 15, 17 and 19-21 have been previously presented and will be maintained should the filing of an appeal become necessary.

Respectfully submitted,



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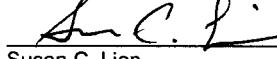
CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on the date indicated below:

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Susan C. Lien